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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO.5437 OF 1998

Smt. Sudha Ramesh Salvi ..Petitioner

Vs.

1.Union of India through the)
General Manager, India Govt.)
Mint, Mumbai-23.)
2.General Manager, India Govt.)
Mint, Mumbai-23)
3.The Chief Accounts Officer)
and Administrative Officer,)
India Govt. Mint, Mumbai-23.)..Respondents

Mr. S.P. Thorat, for the Petitioner.
Mr. R.C. Master i/b. Mr. H.P. Chaturvedi, for the Respondents.

CORAM : F.I. REBELLO &
R.M.SAVANT, JJ.
DATED : 20th June, 2007

ORAL JUDGMENT: (PER F.I. REBELLO, J)

. The only contention advanced on behalf of the petitioner is that the husband of the petitioner expired on 6th April, 1993 whereas the order of removal from service was imposed on 7th April, 1993. On a perusal of the record we find that the decision approving the termination was taken on 5th April, 1993 and the same was to be communicated on 7th April, 1993, but could not be issued as the deceased in the meantime had expired on 6th April, 1993. The decision, therefore, was taken on 5th April, 1993. The first contention must be rejected.

2. The petitioner had approached C.A.T., which held that

the petitioner who is the widow of the deceased employee could not pursue the application for imposition of punishment of dismissal, considering the Full Bench judgment. We do not propose to go into the said issue. Suffice it to say that the deceased himself had admitted the misconduct in respect of which he was charged.

3. The other issue is appointment on compassionate basis. The learned Tribunal held that as in the instant case the deceased was removed by way of punishment the question of compassionate appointment does not arise.

4. We do not find that the order suffers from any error of law apparent on the face of the record. In the light of that no interference called for. Petition rejected. Rule discharged. No order as to costs.

(**F.I.REBELLO**, J)

(**R.M. SAVANT,J)**